

REMARKS

This Amendment is responsive to the Office Action mailed October 1, 2001. Claims 3, 5, 7, and 16-17 have been withdrawn from consideration. Claims 3, 5, 7, and 16-17 have been cancelled. Claims 1-20 were rejected. The drawings were objected to. With this Response, claims 1-2, 4, 6, 16-15, 18, and 20 have been amended, and new claim 21 has been added. Claims 1-2, 4, 6, 8-15, 18-20 remain pending in the application and, along with new claim 21, are presented for reconsideration and allowance.

Drawings Objected to under 37 C.F.R. § 1.83(a)

Attached hereto also is a proposed set of corrected drawings, including a new Figure 8 showing two guard halves 152 with the proposed changes marked in red. This change is supported by Applicants' specification page 9, lines 17-28, which disclose this structure. Applicants' have also amended the specification to refer to each guard half using reference numeral 152. This change is made because page 9, line 21 of the original specification included a typographical error denoting one of the guard halves as 154, rather denoting than both guard halves with reference numeral 152, as occurs in Applicants' specification at page 9, line 18. Applicants' respectfully request approval of the proposed drawing along with the amendment to the specification.

Applicants' have also filed a Communication to the Official Patent Draftsman with the proposed drawing change.

Claim Rejections under 35 U.S.C. § 102

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by the Pomroy U.S. Patent No. 3,826,912.

Applicant's amended independent claim 1 specifies that the base flange, in addition to being arranged for disposition between the light fixture and the building mounting surface, is in contact with both a light fixture and a building mounting surface.

Amendment and Response

Applicant: Maxine C. Thome et al.

Serial No.: 09/929,827

Filed: August 14, 2001

Docket No.: P147.102.101

Title: LIGHT GUARD

In contrast, Figure 2 of Pomroy '912 illustrates that its flange 26 is spaced from a wall or ceiling (not labeled) that supports a light fixture (not labeled but having socket S). No part of light guard A of Pomroy '912, including its flange(s) 26, is disposed between the light fixture and the wall/ceiling supporting the light fixture, and no part of Pomroy's light guard A, including its flange 26, is in contact with either the light fixture or the wall/ceiling supporting the light fixture. As shown in Figure 4 of Pomroy '912, flange 26 extends outward from band 30 away from socket S (and/or light fixture carrying socket S), and is spaced from both the light fixture and the wall/ceiling supporting the light fixture.

Applicant's amended independent claim 1 also specifies that the body, which is configured and arranged for disposition generally parallel to a longitudinal axis of a light source, extends directly from the edge of the base flange generally perpendicular to the base flange..

In contrast, longitudinal members 40,20 of Pomroy's light guard A, which extend generally parallel to a light bulb, extend generally parallel to (not perpendicular to) a plane through which flange 26 extends. Longitudinal members 40,20 that have this orientation also do not extend directly from flange 26, as right angle extending members 22,24, and 42 (at a right angle to longitudinal members 20,40) intervene between flange 26 and longitudinal members 20,40. Right angle extending portions 22,24 of light guard A of Pomroy '912 extend from flange 26 and are disposed generally perpendicular to a light source -- not generally parallel to a light source, as claimed by Applicant.

In addition, Applicant's dependent claim 10 that base flange has a generally circular shape with a generally circular shaped central hole. In contrast, flange 26 of light guard A of Pomroy '912 is not circularly shaped and slot 28 of flange 26 also does not have a generally circular shape.

For these reasons, Applicant's amended independent claim 1, and claims 2,4,6, and 8-10 depending therefrom, are patentable over Pomroy '912.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Pomroy.

Amendment and Response

Applicant: Maxine C. Thome et al.

Serial No.: 09/929,827

Filed: August 14, 2001

Docket No.: P147.102.101

Title: LIGHT GUARD

Applicant's amended independent claim 11 specifies a method of guarding a light source in which a base portion of a frame is secured between a base of a light socket fixture and a building mounting surface to be in contact with the building mounting surface.

In contrast, in Pomroy '912, no portion of light guard A is both: (1) between the light fixture (not labeled) and the supporting surface (appearing as a wall or ceiling supporting the light fixture, but not labeled); and (2) in contact with the light fixture and the supporting surface. Rather, light guard A is spaced from the supporting surface, and not between the light fixture and the supporting surface.

Accordingly, Applicant's amended independent claim 11 is patentable over Pomroy '912.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Pomroy '912.

Applicant's amended independent claim 12 specifies a method of guarding a light source mounted in a light socket fixture. The method comprises, in part, removably securing a first base portion (and a second base portion) of a frame between the light socket fixture and a fixed mounting surface (such as a wall, ceiling, or electrical junction box) and in contact against both the light fixture and the fixed mounting surface, to cause a first body portion of the frame, which extends generally perpendicularly relative to the base portion of the frame, to extend in a spaced relationship generally parallel to and about the light source.

In contrast, Pomroy '912, no portion of light guard A is both: (1) between the light fixture (not labeled) and the supporting surface (appearing as a wall or ceiling supporting the light fixture, but not labeled); and (2) in contact with the light fixture and the supporting surface. Rather, light guard A is spaced from the supporting surface, and not between the light fixture and the supporting surface. Moreover, unlike Applicant's claimed body, longitudinal members 40,20 of Pomroy's light guard A (which extend generally parallel to a light bulb) extend generally parallel to a plane through which flange 26 extends. Applicant's body in claim 12 extends generally perpendicular to the base flange.

Accordingly, Applicant's amended independent claim 12 is patentable over Pomroy '912

Claims 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Pomroy '912.

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Serial No.: 09/929,827

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Title: LIGHT GUARD

Applicants' amended independent claim 15 specifies, in part, a light guard having a base portion having a generally circular shape and including a plurality of slots configured and positioned to receive a fastener in each slot, with the fastener being independent from the light guard, and to direct the fastener through a light fixture and the slot for securing the light fixture against the base portion.

Pomroy '912 discloses slots 56 and 28, neither of which are configured and positioned to receive a fastener in each slot wherein the fastener is independent of the light guard and the slot is positioned to direct the fastener through a light fixture, as claimed by Applicants.

Accordingly, Applicants' amended independent claim 15 is patentable over Pomroy '912.

Claims 16-17 have been canceled.

Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pomroy '912.

Applicant's amended independent claim 18 specifies, in part, a light guard with a base portion having a generally annular shape that defines a central hole with the central hole being sized and configured for securing the base portion directly against a building mounting surface independent of a light fixture with a diameter of the central hole being greater than a diameter of the base of the light fixture.

In contrast, Fig. 2 of Pomroy '912 illustrates circular band having a diameter much smaller than a diameter of the base of the light fixture (not labeled) set on the wall or ceiling (not labeled). In Pomroy '912, light guard A is mounted directly to socket S of the light fixture (not labeled), and therefore is secured directly to the light fixture, and not independent of the light fixture nor directly to the wall or ceiling, as claimed by Applicants.

Accordingly, Applicants' amended independent claim 18, and claim 19 depending therefrom, is patentable over Pomroy '912.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by the Broder U.S. Patent No. 3,119,568.

In addition to a living hinge, Applicants' amended independent claim 20 specifies, in part, a base portion having generally annular shape that defines a central hole and an outer

generally circular edge, with the base portion configured and arranged for disposition between, and in fixed contact against, a light socket fixture and a building mounting surface. The body portion extends generally perpendicular outward from the base portion directly from the outer generally circular edge.

In contrast, Broder '568 discloses a trouble light guard 10 with a lower neck portion 26 (including strap 27 with legs 28,30) for securing light guard on a light holder, such as a freely movable light bulb and socket mounted on the end of an extension cord. Necked portion 26 of Broder '568 is not disposed between, and in fixed contact against, a light fixture and a wall or ceiling, as claimed by Applicants.

Moreover, Broder '568 discloses longitudinal extending ribs 44 for extending perpendicular to a light source, and inclined ribs 48 and 50 (not perpendicular to a light source) positioned intermediate necked portion 26 and ribs 44. This structure in Broder is unlike Applicants claim 20 in which, a body portion extends generally perpendicular outward from a base portion directly from the outer generally circular edge of the base portion.

Accordingly, Applicants' amended independent claim 20 is patentable over Broder '568.

Claim Rejections under 35 U.S.C. § 103

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pomroy.

Applicants' dependent claims 4 and 5 have been rewritten as a single amended claim 4. Because claims 4 and 5 depend from Applicants' amended independent claim 1, claims 4 and 5 are patentable over Pomroy '912 for the reasons expressed relating to amended independent claim 1. Moreover, the presence of a clasp is not a material (Examiner citing In re Leshin re "known material") but rather a structure having a particular shape and function that is not disclosed by Pomroy '912.

Accordingly, Applicants' amended claim 4 is patentable over Pomroy '912.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Dorn U.S. Patent No. 3,935,560.

Amendment and Response

Applicant: Maxine C. Thome et al.

Serial No.: 09/929,827

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Title: LIGHT GUARD

Applicants' amended independent claim 13 specifies a method that includes providing a light fixture in a secured position against a fixed mounting surface with the fixed mounting surface including at least one of a wall surface, a ceiling surface, and a electrical junction box. The method also includes sandwiching a base flange of the light guard between, and in contact against, the light fixture and the fixed mounting surface to position a body of the light guard, so that a body extends generally perpendicular outward from the base flange, to extend a spaced relationship about a light source mounted in the light fixture. As shown in Fig. 1 of Applicant's specification, light fixture 22 and mounting surface 44 are independent structures.

In contrast, in Dorn '560 in Fig.11, lines 11-22, light guard 120 is clamped via clamp means 136 to an electrical service box 137, which is secured to the building wall. Clamp means 136 is disclosed as being substantially identical to clamp means 36, which is for securing the light guard 20 (120) to a lamp socket assembly. See Dorn, Column 3, lines 6-9. Clamp means is not disposed between electrical junction box 137 and the wall (not labeled), as shown in Fig. 11 of Dorn. Rather, clamp means 136 is apparently secured on a light socket or light fixture that extends as part of, or from electrical service box 137, but in any case clamp means 136 is clearly not between, and in contact against, both the electrical service box 137 (or any light fixture) and the wall that box 137 is mounted on.

Applicants' amended claim 14 also specifies in part, tightening the light fixture against the base flange of the light guard and the fixed mounting surface. No part of Dorn discloses either loosening or tightening electrical service box 137 (or any light fixture forming a part of electrical service box 137) for inserting a base flange of a light guard between, and in contact against, a light fixture and a fixed mounting surface, such as a wall.

Accordingly, Applicants' amended independent claims 13-14 are patentable over Dorn '560.

Allowable Subject Matter

In light of the above, Applicant believes independent claims 1, 11, 12, 13, 15, 18, and 20, and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

Amendment and Response

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Serial No.: 09/929,827

Filed: August 14, 2001

Docket No.: P147.102.101

Title: LIGHT GUARD

CONCLUSION

It is believed that all claims are now in a condition for allowance. Notice to that effect is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 500471.

Attached hereto is a marked-up version of the changes made to the specification and/or the claims by the current Amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this response.

Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, Washington, D.C., 20231 on this 27 day of December, 2002.

By Steven E. Dicke
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Maxine C. Thome et al.

Examiner: John A. Ward

Serial No.: 09/929,827

Group Art Unit: 2875

Filed: August 14, 2001

Docket No.: P147.102.105

Title: LIGHT GUARD

AMENDMENT AND RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir/Madam:

This Amendment is responsive to the Office Action mailed October 1, 2002. Please amend the above-identified patent application as follows:

IN THE DRAWINGS

Please accept the attached proposed set of corrected drawings, including a new Figure 8 showing two guard halves 152.

IN THE SPECIFICATION

Please accept amended specification page 9, which deletes phrase "and 154" from line 21 of page 9. This change accompanies the corrected drawings.

IN THE CLAIMS

Please cancel claims 3, 5, 7, and 16-17.

Please add new claims 21.

Please amend claims 1-2, 4, 6, 10-15, 18, and 20 as follows:

1. (Amended) A light guard for guarding a light source extending from a light socket fixture mounted on a building ~~structure~~ mounting surface, the light guard comprising:

a frame including a first half, ~~and~~ a second half, and means for removably securing the

two frame halves relative to each other, each frame half including a base flange and a body, wherein the body defines latticework of support members and is configured and arranged to

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Amendment and Response

Applicant: Maxine C. Thome et al.

Serial No.: 09/929,827

Filed: August 14, 2001

Docket No.: P147.102.101

Title: LIGHT GUARD

extend about the light source and generally parallel to a longitudinal axis of light source, and wherein the body extends directly from the edge of the base flange generally perpendicular relative to the base flange to extend in a spaced relationship alongside and about the light source, and wherein the base flange is configured and arranged for disposition between, and in contact against, a light socket fixture and a building mounting surface structure, and including means for removably securing the body of the two frame halves relative to each other.

2. (Amended) The guard of claim 1 wherein the means for removably securing further comprises:

at least one projection disposed on a first edge of the first body half and a hole disposed on a first edge of the second body half wherein the projection is configured to slidably engage the hole; and

at least one projection disposed on a second edge of the second body half and a hole disposed on a second edge of the first body half wherein the projection is configured to slidably engage the hole.

3. (Cancelled) — The guard of claim 2 wherein the means for removably securing further comprises:

~~at least one projection disposed on a second edge of the second body half and a hole disposed on a second edge of the first body half wherein the projection is configured to slidably engage the hole.~~

4. (Amended) The guard of claim 1 wherein the means for removably securing further comprises:

at least one clasp disposed on the first edge of the first body half and configured for slidably engaging a portion of the first edge of the second body half; and

at least one clasp disposed on the second edge of the second body half and configured for slidably engaging a portion of the second edge of the first body half.

Amendment and Response

Applicant: Maxine C. Thome et al.

Serial No.: 09/929,827

Filed: August 14, 2001

Docket No.: P147.102.101

Title: LIGHT GUARD

5. (Cancelled) ~~The guard of claim 4 wherein the means for removably securing further comprises:~~

~~at least one clasp disposed on the second edge of the second body half and configured for slidably engaging a portion of the second edge of the first body half.~~

6. (Amended) The guard of claim 1 wherein the means for removably securing includes a first portion disposed on an edge of the first body half and a second portion disposed on an edge of the second body half; wherein the first portion and the second portion comprise at least one or more of a clasp, a pin, a hole, a beveled protrusion, a projection, a hook and loop fastener, a mechanical fastener, and a clip.

7. (Cancelled) ~~The guard of claim 6 wherein the first portion and the second portion comprise at least one or more of a clasp, a pin, a hole, a beveled protrusion, a projection, a hook and loop fastener, a mechanical fastener, and a clip.~~

8. The guard of claim 1 wherein the base flange of each frame half has a generally semi-annular shape and includes at least one slot extending radially outward from a generally circular shaped, inner edge of the base flange, the slot being disposed at generally right angle relative to a side edge of the base flange so that when respective side edges of the two frame halves are joined together the slot of the first body half and the slot of the second body half are aligned diametrically opposed to each other and aligned generally parallel to each other.

9. The guard of claim 1 wherein each body includes a bottom edge having a generally semi-circular shape so that when the two body halves are joined together, the bottom edge forms a generally circular access hole for accessing a light bulb enclosed by the light guard.

Amendment and Response

Applicant: Maxine C. Thome et al.

Serial No.: 09/929,827

Filed: August 14, 2001

Docket No.: P147.102.101

Title: LIGHT GUARD

10. (Amended) The guard of claim 1 wherein the ~~body extends from an edge of the base flange and defines a latticework of support members extending at angles relative to each other.~~ base flange has a generally circular shape with a generally circular-shaped central hole.

11. (Amended) A method of guarding a light source mounted in a light socket fixture comprising:

securing a base portion of a frame between a base of a light socket fixture and a building ~~mounting surface~~structure, to be in contact with the building mounting surface, to cause a body portion of the frame, which extends generally perpendicularly relative to the base portion of the frame, to extend in a spaced relationship alongside and about the light source.

12. (Amended) A method of guarding a light source mounted in a light socket fixture comprising:

removably securing a first base portion of a frame between the light socket fixture and a ~~fixed mounting surface-building structure,~~ and to be in contact against both the light fixture and the fixed mounting surface, to cause a first body portion of the frame, which extends generally perpendicularly relative to the base portion of the frame, to extend in a spaced relationship ~~generally parallel to~~alongside and about the light source;

removably securing a second base portion of ~~the~~ a frame between the light socket fixture and the ~~building structure~~fixed mounting surface, to be in contact against both the light fixture and the fixed mounting surface, to cause a second body portion of the frame, which extends generally perpendicularly relative to the second base portion of the frame, to extend in a spaced relationship ~~alongside~~generally parallel to and about the light source; and

removably securing the first body portion relative to the second body portion to protectively enclose the light source within the frame.

13. (Amended) A method of installing a light guard, the method comprising:

providing a light fixture in a secured position against a fixed mounting surface with the

Amendment and Response

Applicant: Maxine C. Thome et al.

Serial No.: 09/929,827

Filed: August 14, 2001

Docket No.: P147.102.101

Title: LIGHT GUARD

fixed mounting surface including at least one of a wall surface, a ceiling surface, and a electrical junction box; and

sandwiching a base flange of the light guard between the light fixture and the fixed mounting surface to position a body of the light guard, that extends generally perpendicular outward from the base flange, to extend a spaced relationship about a light source mounted in the light fixture.

14. (Amended) The method of claim 13 wherein sandwiching the base flange further comprises:

loosening the light fixture relative to the fixed mounting surface;

inserting the base flange of the light guard between the light fixture and the fixed mounting surface; and

tightening the light fixture against the base flange of the light guard and the fixed mounting surface.

15. (Amended) A light guard comprising:

a base portion having a generally circular-annular shape that defines a central hole and including a plurality of slots configured and positioned to receive a fastener in each slot, with the fastener being independent from the light guard, and to direct the fastener through a light fixture and the slot for securing the light fixture against the base portion; and

a body portion extending generally perpendicular outward from the base portion in a generally cylindrical shape and defining a latticework of support members.

wherein the base portion and the body portion are comprised of two halves configured substantially the same as each other and including a releasably securing mechanism mountable on at least one of the two halves for releasably securing the two halves together.

Amendment and Response

Applicant: Maxine C. Thome et al.

Serial No.: 09/929,827

Filed: August 14, 2001

Docket No.: P147.102.101

Title: LIGHT GUARD

16. (Cancelled) ~~The light guard of claim 15 wherein the base portion includes slots configured for receiving fasteners.~~

17. (Cancelled) ~~The light guard of claim 15 wherein the base portion and the body portion are comprised of two halves configured substantially the same as each other and including a releasably securing mechanism mountable on at least one of the two halves for releasably securing the two halves together.~~

18. (Amended) A light guard comprising:

a base portion having a generally annular shape that defines a central hole with the central hole being sized and configured for securing the base portion directly against a building mounting surface independent of a base of a light fixture with a diameter of the central hole being greater than a diameter of the base of the light fixture; and

a body portion extending generally perpendicular outward from the base in a generally cylindrical shape and defining a latticework of support members.

19. The light guard of claim 18 wherein the base portion comprises at least one of the following fastening mechanisms for securing the base portion against the mounting surface, including:

a plurality of holes, a hook and loop fastener, a pressure sensitive adhesive, a glue and a wall anchor.

20. (Amended) A light guard comprising:

a base portion having a generally annular shape that defines a central hole and an outer generally circular edge, with the base portion configured and arranged for disposition between, and in contact against, a light socket fixture and a building mounting surface;

a body portion ~~extending generally perpendicular outward from the base in~~ having a generally cylindrical shape and defining a latticework of support

Amendment and Response

Applicant: Maxine C. Thome et al.

Serial No.: 09/929,827

Filed: August 14, 2001

Docket No.: P147.102.101

Title: LIGHT GUARD

members, and extending generally perpendicular outward from the base portion directly from the outer generally circular edge; and

a living hinge connecting a first half and a second half of the light guard to permit the first half and the second half to be moved between an open position for access to an interior of the body portion and a closed position for preventing access to an interior of the body portion.

21. (New) The method of claim 14, wherein providing a light fixture in a secured position comprises:

_____ providing a pair of holes that extend through the light fixture;

_____ extending a fastener through each hole of the light fixture and securing each fastener into the fixed mounting surface to secure the light fixture against the fixed mounting surface.